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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,300	10/15/1999	PHIL-TAE KIM	P55862	1028

7590 04/04/2006

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EXAMINER
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ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/419,300	<b>Applicant(s)</b> KIM, PHIL-TAE	
	<b>Examiner</b> Abbas I. Abdulsalam	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,17,25,26,29-31,33-43,45-49,51 and 53-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,17,25,26,29-31,33-43,45-49,51 and 53-56 is/are allowed.
- 6) ☒ Claim(s) 57 is/are rejected.
- 7) ☒ Claim(s) 58-60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed with respect to claim 57 on 01/03/06 have been fully considered but they are not persuasive.

Applicant argues that a new independent claim 57 is similar to previously allowed claim and has “less language while being distinguished from the prior art”. However, the new claim 57 as interpreted by the examiner had a different scope and a previously applied reference, Bertram (USPN 5198802) reads over it as shown in the art rejection below. Particularly, Bertram does not specifically teach “pressing a button on a remote controller”. On the other hand, Bertram teaches the use of either a keyboard (21) or a mouse (13) (col. 5, lines 37-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the input device (13, 21) by an alternative input device that is functionally equivalent because it is well known to utilize a variety of input device for the purpose of cursor manipulation.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram (USPN 5198802).

Regarding claim 57, Bertram teaches a method comprising providing a display displaying an indicator and a menu comprising a plurality of menu items; (Fig. 2A (1, 7) and col. 5, lines 21-40) said indicator being located within one menu item in said menu; (col. 5, lines 37-40, Fig. 2A (information) and col. 5, lines 27) and pressing a button on a remote controller (see the rational below) causing a size of said menu on said display to change while causing said indicator to be automatically repositioned within the changed menu (col. 5, lines 40-43, col. 5, lines 45-47 and Fig. 2B (17)).

Bertram does not specifically teach “pressing a button on a remote controller”. On the other hand, Bertram teaches the use of either a keyboard (21) or a mouse (13) (col. 5, lines 37-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the input device (13, 21) by an alternative input device that is functionally equivalent because it is well known to utilize a variety of input device for the purpose of cursor manipulation.

***Allowable Subject Matter***

3. Claims 1-2, 17, 25-26, 29-31, 33-43, 45-49, 51 and 53-56 are allowed.
4. Claims 58-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is 571-272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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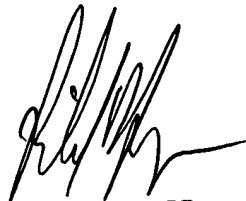
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulsalam

Examiner

Art Unit 2629

March 29, 2006



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNICAL CENTER 2629